

ROLL CALL

COMMITTEE SESSION

JULY 18, 1995

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the
Common Council Conference Room 128 Tuesday evening
July 18, 1995, in Committee Session. President
Donald J. Schmidt, in the chair, Council Attorney
Stanley A. Levine, and Sandra E. Kennedy City
Clerk, at the desk, present the following members
viz:

***** *late*
BRADBURY Absent, EDMONDS Absent, GIAQUINTA ~~Absent~~
HENRY Present, LONG Present, LUNSEY Present
RAVINE Present, SCHMIDT Present, TALARICO Present

ABSENT: 2 \$ Council members
COUNCIL MEMBER Bradbury, Edmonds,
~~Giaquinta~~, _____,
_____, _____



The City of Fort Wayne

Paul Helmke, Mayor

July 7, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated public right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-06-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
7th day of July 1995.

Carol Kettler Sharp
Secretary

/pb

XC: File



MEMORANDUM

TO: Sandy Kennedy
City Clerk

FROM: Pat Fahey *PF*
City Planning Department

RE: Request for withdrawal of a right-of-way vacation petition
(a portion of Liberty Drive; Ordinance Number G-95-06-10)

DATE: July 19, 1995

Please be advised that subsequent to the Plan Commission's June 26, 1995 recommendation of "Do Not Pass" on the noted vacation request, the petitioner submitted the attached letter asking that the request be withdrawn from consideration by Council. Please feel free to call me at 427-1129 if you have any questions or need additional information on this item. Thank you.

Saint Therese Church
2304 Lower Huntington Road
Fort Wayne, Indiana 46819
219-747-9139

June 28, 1995

Mr. Pat Fahey
City Plan Commission
One Main Street
Room 830
Fort Wayne, Indiana 46802

Dear Mr. Fahey,

On May 4, 1995, in behalf of St. Therese Catholic Church, I submitted a petition to vacate Liberty Drive from Lower Huntington Road to Waynewood Drive.

Understanding that the Plan Commission has recommended that the City Council not grant this petition (#584), I hereby, on behalf of St. Therese Church, request that this petition now be withdrawn.

I appreciate your assistance in this matter and thank you for your work.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Rosswurm". The signature is fluid and cursive, with the first name "Michael" and last name "Rosswurm" clearly legible.

Rev. Michael J. Rosswurm
Pastor



The City of Fort Wayne

Paul Helmke, Mayor

July 7, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-06-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
7th day of July 1995.

**Council action on this
recommendation must take
place prior to:
September 24, 1995.**

Carol Kettler Sharp
Secretary

/pb

XC: File

FACT SHEET

Z-95-06-07

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From R-2 to M-2

DETAILS**Specific Location and/or Address**2701 Reynolds Street; 2702, 2712 &
2714 Molitor Street**Reason for Project**Future Expansion of Bentz Metals Products
Company**Discussion (Including relationship to other Council actions)**19 June 1995 - Public Hearing

George Malcom, 4172 Greenhill Drive, general contractor for the petitioner appeared before the Commission. Mr. Malcom stated that the growth indicator for Bentz Metals for the next 10 years is that it will double. He stated that they would either have to move to a larger area or try to expand where they currently are located. He stated that there are a lot of vacant lots in the area. He stated that they currently employ 20 people. If the rezoning is approved and they expand, their overall program will eventually be to employ 80 people.

Mel Smith questioned if they would be constructing a new building.

Mr. Malcom stated that they would be adding onto the existing structure if the rezoning is approved.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Bentz Metal Products Company
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote. Motion carried.


Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans, Vicky VerPlanck

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

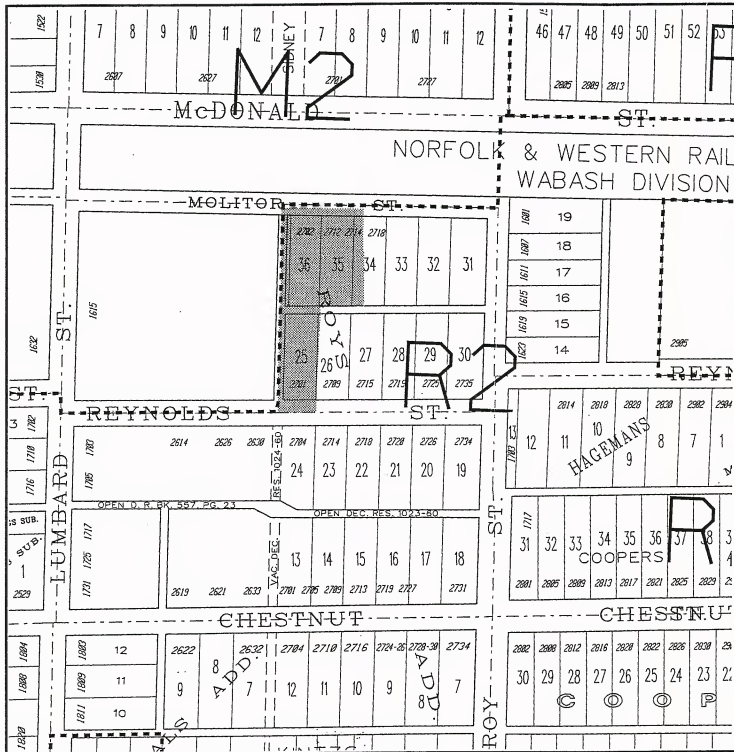
(This space for further discussion)

Project Start	Date 17 May 1995
Projected Completion or Occupancy	Date 7 July 1995
Fact Sheet Prepared by Patricia Biancanello	Date 17 July 1995
Reviewed by 	Date 19 July 1995
Reference or Case Number	

REZONING PETITION

AREA MAP

CASE NO. #589



COUNCILMANIC DISTRICT NO. 1

Map No. Q - 2
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this
7th day of July 1995.



Carol Kettler Sharp
Secretary

Thomas J. Grant, agent for Bentz Metal Products Co. Inc., requests a change of zone from R-2 to M-2.

Location:	2701 Reynolds, 2702, 2712 and 2714 Molitor Streets.		
Legal:	See file		
Land Area:	Approximately 0.44 acres		
Zoning:	R-2		
Surroundings:	North	M-2	Railroad
	South	R-2	Residential
	East	R-2	Residential
	West	M-2	Industrial
Reason for Request:	Future expansion		
Neighborhood Assoc.:	East Side Community Association		
Neighborhood Plan:	No comment.		
Comprehensive Plan:	The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.		
	This property is located in the Central Area. There are three main goals for the central area: 1) to maintain existing development; 2) to halt deterioration; and 3) to encourage reinvestment.		

Planning Staff Discussion:

The area is a mixed development with railroad tracks located north of Molitor Street, a park at the Roy Street intersection and residential properties to the south. Industrial uses are located to the west as well as east of Roy Street.

This proposal has been submitted to allow expansion of the existing business located directly west. The proposal should have very limited impact on the livability of the neighborhood, except for the adjacent residence. Bentz Metal Products has already been in the area for a

number of years.

It appears that the two lots off of Molitor Street have already been fenced in, and are being use for outdoor storage. While the staff is concerned with the continued livability of the homes in the immediate area, we don't anticipate a major impact caused by the reasonable expansion of existing businesses. Clearly we would be more concerned with the effect on the properties to the south, and what could happen if more intense industrial uses would locate in the area.

With the recent rezoning that has taken place east of Roy Street, there is a strong likelihood that the properties north of Reynolds may be rezoned to an M-2 classification. This possibility would allow for future growth, while hopefully containing such uses north of Reynolds Street. We would strongly suggest to this and future petitioners that they work with the neighborhood in preserving residential property values by taking advantage of site buffering techniques and appropriate placement of structures.

Recommendation: Do Pass for the following reasons:

- 1) Approval will allow an expansion of an existing business with minimal impact on the area.
- 2) Approval is consistent with previous rezonings east of Roy Street.
- 3) Approval is consistent with the goals of the Comprehensive Plan for this area.



The City of Fort Wayne

Paul Helmke, Mayor

July 7, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-06-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
7th day of July 1995.

**Council action on this
recommendation must take
place prior to:
September 24, 1995.**

A handwritten signature in cursive script, reading "Carol Kettler Sharp".

Carol Kettler Sharp
Secretary

/pb

XC: File

FACT SHEET

Z-95-06-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-3 to M-1

DETAILS

Specific Location and/or Address

The block bounded by Brackenridge, Monroe, Hayden & Clay Streets.

Reason for Project

Three Rivers Ambulance Authority

Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

See Attached Minutes of Meeting

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted for the motion the Chair did not vote. Motion carried.

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans Vicky VerPlanck

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
3-Rivers Ambulance Authority
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS

(For Council
use only)

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 May 1995

Projected Completion or Occupancy

Date 7 July 1995

Fact Sheet Prepared by

Patricia Biancaniello

Date 17 July 1995

Reviewed by

Date

19 July 1995

Reference or Case Number

- b. Bill No. G-95-06-12 - Vacation Petition #587
The east-west alley between Clay and Monroe, south of Brackenridge Street.

5. Public Hearing on a Zoning Map Amendment

- a. Bill No. Z-95-06-08 - Change of Zone #586
From R-3 to M-1
The Block bounded by Brackenridge, Monroe, Hayden and Clay Streets.

Mel Smith called both the vacation petition #587 and rezoning petition #586 together.

John Wernet, attorney for Three Rivers Ambulance Authority appeared before the Commission. Mr. Wernet stated that with him that evening was Bill Brown, who is the owner of 65% of the square block to be vacated. He stated currently his client has a contract with Mr. Brown to purchase the property as well as all of the other properties on the block, except for two, which are subject to condemnation proceedings at this time, by the city. He stated that the alley runs between Clay and Monroe, east-west. He stated that the rezoning will be for the construction of a new facility for the Ambulance Authority. He stated that the proposed building will go directly over the alley requested for vacation. He stated that is the reason for the vacation request. He stated that the Ambulance Authority will own the entire block and there will be no access problems. He stated that the alley is currently not paved at this time, so it is not really used. He stated they have dealt with the utilities and there is no water in the alley and they have spoken with Sewer Engineering and the sewer line will be moved two blocks to the east on Hanna. He stated that I & M will move to the north along Brackenridge, GTE and Comcast have been taken care of also.

He stated that with regard to the rezoning they have requested an M-1 zoning. He stated that he had a site plan which shows 4 houses on the block. He stated that only one home is occupied at the present time. He stated that they have an agreement to purchase with the owner. He stated that the entire south half of the block is vacant. He stated that there are several trees around the perimeter of this property. He stated it is the intention and belief that most of those trees can be saved. He showed the Commission a rendering of the facility. He stated that there will be a parking lot on the northeast side of the property and parking along the south. He stated that no ambulances are actually dispatched from this facility. He stated they come and go at the end of the shift. He stated that there are some ambulances that could be dispatched from there if there was an emergency. He stated that the general plan is that the vehicles will come in off of Clay Street, go into the facility for storage and they will leave by Brackenridge Street. He stated that there will be no curb cuts on the east side on Monroe Street. He stated that the

property to the south is owned by Mr. Brown (Summit City Electric) which is on the other side of Hayden Street, south of that is the railroad, to the west is a warehouse, those properties are all zoned M-3. Mr. Wernet stated that the building will be 22,000 square feet and will cover 20% of the block. He stated that they feel that this is a very good use for this block that has been deteriorating. He stated they felt it is a real reinvestment in the area that will hopefully stir investment in some of the other blocks to the north and to the east.

Mel Smith questioned if there would be any fencing on the property.

Mr. Wernet stated that they will have some security fencing in different areas around the property.

Bill Brown, President of Summit City Electric, appeared before the Commission. Mr. Brown stated that he located his business on Hayden Street in 1986. He stated that he is excited that the Ambulance Authority is moving to this property and hopes that they get the rezoning in order to do so. He stated that he believed that this goes one step further to a positive redevelopment of the area.

James L Parker, 4940 Devonshire Drive, appeared before the Commission. Mr. Parker stated that he owned the property on the corner of Clay and Brackenridge. He stated that he does not want to sell the property for \$150.00.

Dave Wright questioned if a condemnation order had been issued on this property.

Mr. Parker stated that he has a court date on this property in July.

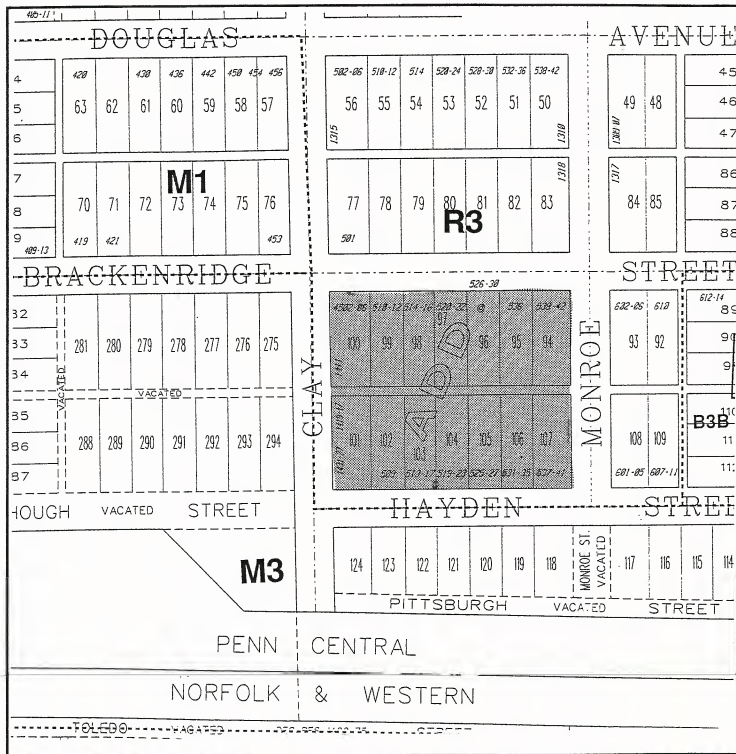
Mr. Wright stated if that is the case he would need to discuss the issue of the value of the property in court. He stated that the value of the property would not be a question before this Commission. The Commission is dealing with rezoning and the vacation of an alley.

There was no one else who spoke in favor of or in opposition to the proposed vacation or rezoning.

REZONING PETITION

AREA MAP

CASE NO. #586



COUNCILMANIC DISTRICT NO. 1

Map No. N - 2
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-06-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this
7th day of July 1995.



Carol Kettler Sharp
Secretary

John Wernet, attorney for Three Rivers Ambulance Authority and William E. Brown, requests a change of zone from R-3 to M-1

Location: The block bounded by Brackenridge, Monroe, Hayden and Clay Streets.

Legal: See file

Land Area: Approximately 2.6 acres

Zoning: R-3

Surroundings:

North	R-3	Residential
South	M-3	Industrial
East	R-3/B3B	Park
West	M-3	Industrial

Reason for Request: Three River Ambulance Authority

Neighborhood Assoc.: East Central Neighborhood Association.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Central Area. There are three main goals for the central area: 1) to maintain existing development; 2) to halt deterioration; and 3) to encourage reinvestment.

Planning Staff Discussion:

The existing development in this area is a mixture of industrial and residential uses. A warehouse is on the west side of Clay Street, industrial uses on the south side of Hayden and a small park is located on the east side of Monroe Street. The north side of Brackenridge consists of a mixture of homes that are in good shape and homes that have been boarded up. The overall characteristic of the immediate area is unfortunately one of disinvestment.

The immediate concerns that staff evaluated regarding this petition were the potential impacts on remaining housing stock, and the capacity of the street system in the immediate area to handle future emergency vehicle dispatching. The presence of a park area to the east placed additional emphasis on the need for safe access and vehicle movement.

Normal operating procedures would indicate that the number of emergency trips generated from this site would be extremely minor, as in most instances the vehicles would already be out in the community awaiting dispatch. This site would therefore primarily be used for clerical work and storage. The potential site development would contain a blend of safety elements, such as security fencing, and aesthetic features.

The property at the corner of Clay and Brackenridge (450 Brackenridge) is owned by the Fort Wayne Housing Authority, who have advised us that they have no objection to the rezoning or the vacation. Future, they feel that the relocation of the Three Rivers Ambulance Authority to this site would be an improvement to the overall area.

The requested M-1 zoning is a "light industrial" classification which offers few controls over the appearance of the site development. Without a buffer between the residential uses to the north and east, there could be a significant impact on the future development of the area. However, the long term livability of those homes is already hampered by their existing condition and the proliferation of vacant lots. Long term, this rezoning may spur additional development and pride of ownership.

The Comprehensive Plan suggests halting deterioration, and encouraging reinvestment as goals for this area. It appears that the current characterization of this area has been the opposite. There are some notable exceptions, including the Project Renewal site at the northeast corner of Clay and Brackenridge. Overall, the relocation of the Ambulance Authority does represent a substantial investment in the area. It also places an addition block of "light industrial" zoning between the "heavy industrial" classification to the south and west. This additional buffer could help prevent further loss of housing stock in the area.

While the requested zoning designation does not allow us to impose conditions upon the actual site development, we are hopeful that the Ambulance Authority, as a community resource, will invest in designing an appropriate plan incorporating landscaping as a buffering technique. Initial site plans have indicated landscape materials along Clay Street, and we would encourage a substantial landscape element being included along the Brackenridge frontage.

Recommendation: Do Pass for the following reasons:

1) Approval will represent a substantial investment in the area which may result in future development and pride of ownership.

2) Approval allows development of the land while providing an additional transitional zoning between the M-3 ("heavy industrial") classification and other classifications.

3) Approval will facilitate the relocation of this business, which has been displaced by the Headwaters Park project.



The City of Fort Wayne

Paul Helmke, Mayor

July 7, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-06-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
7th day of July 1995.

**Council action on this
recommendation must take
place prior to:
September 24, 1995.**

Carol Kettler Sharp
Secretary

/pb

XC: File

FACT SHEET

Z-95-06-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From POD to RA

DETAILS

Specific Location and/or Address

5000 Blk of W Jefferson Blvd

Reason for Project

Expansion of Medical Clinic

Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

See Attached Minutes of Meeting

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote. Motion carried.

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans, Vicky VerPlanck

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Andiland, LLC an IN Ltd
Liability Co
City Department

Other

Opponents

Groups or Individuals
Gene Redding, 2113 Melbourne
Diane Noble, 5321 Kenton Ln
Basis of Opposition
-RA zone would open up use to
multi family - if parking lot
how would it be accessed

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

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POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start	Date	18 May 1995
Projected Completion or Occupancy	Date	7 July 1995
Fact Sheet Prepared by	Date	17 July 1995
Patricia Biancaniello		
Reviewed by	Date	19 July 1995
Reference or Case Number		

- b. Bill No. Z-95-06-09 - Change of Zone #585
From POD to RA
5000 Block of West Jefferson Blvd.

Jon Bomberger, attorney for the petitioner, appeared before the Commission. Mr. Bomberger stated that the petitioner operates a medical clinic in the 5000 Block of West Jefferson Blvd. He stated that adjacent to that property is the property that is the subject of this petition. Mr. Bomberger stated that it is a tract of undeveloped land, that is presently zoned POD (Professional Office District). He stated that they are seeking to have the property rezoned to the RA designation. He stated that the current medical clinic is operated on property zoned RA. It is operated pursuant to a Contingent Use permit granted by the Board of Zoning Appeals. He stated that it is their intention to use the undeveloped POD property as accessory parking for the existing medical clinic. He stated that the means to have a parking lot use on the POD property is cumbersome, and perhaps, technically impossible. He stated that as a result, they are attempting to rezone the POD parcel to RA, to allow them to apply for a Contingent Use permit, for accessory parking within 300 feet of the existing medical clinic. He stated that both properties are operated by the petitioner. He stated that the existing POD was rezoned in 1987, at that time a preliminary development site plan was approved, however, no secondary development site plan was submitted or approved. He stated that since that time no further development has occurred on the property. He stated that they are seeking to have the property zoned RA to allow them to unify the treatment of the classification of two parcels to the RA designation. He stated that they are preceding presently with a petition before the Board of Zoning Appeals for their June 29th hearing. He stated that they are requesting a Contingent Use permit for a parking lot. He stated that they have scheduled meetings with residents in the area, especially with people who live along North Bend Drive, prior to the Board of Zoning Appeals meeting.

Linda Buskirk questioned what it was about the POD zoning that makes it impossible to develop a parking lot on this property.

Mr. Bomberger stated that the POD classification does not allow for accessory parking. He stated that the POD classification requires some sort of planned office use within its zoning. He stated that they would have to flip-flop this around and have the RA zoned up to a POD to correspond with the existing zoning. He stated that the quickest way is to downzone the property from the POD to the RA and ask for approval from the Board of Zoning Appeals for parking.

Linda Buskirk questioned if the parking lot would have to meet the same requirements under the Contingent Use approval as it would under the POD zoning.

Mr. O'Brien stated that it would definitely have to meet the same requirements. He stated that the same types of concerns would be

addressed to the Board of Zoning Appeals. He stated that there would be no lessening of the quality of parking and buffering that would be required in connection with the rezoning.

Mr. Bomberger stated that they are well aware of the traffic situation in the area, and those are things that they will work through with the Board of Zoning Appeals.

Dave Kreischer, 1819 No Glendale Drive, board member of the Westmoor Park Neighborhood Association, appeared before the Commission. Mr. Kreischer stated that this request is within the boundaries of the Westmoor Park Neighborhood Association and they were not contacted regarding this request. He stated that he would be unable to speak for or against it, because he was unaware of the request.

Mr. O'Brien stated that according to the map available in the Plan Commission Office this property is not in the neighborhood association. He stated that Reckeweg Road and Fairway are the closest associations to this request. He stated that this property was posted with a public hearing sign.

Mr. Kreischer stated that originally it was not within their association. He stated however that Councilman David Long requested that they accept North Bend into the Westmoor Park Neighborhood Association.

Robert Gillie, 1511 No Glendale Drive, appeared before the Commission. He questioned if the property had to be posted.

Mr. Smith told him that the property was posted.

Mr. Gillie stated that he has driven by the property and he has not seen any posting on the property.

Mr. Smith stated that the staff stated that they posted the property. He stated that it was published in the newspaper.

Diane Noble-Embrick, 5321 Kenton Lane, a board member of Westmoor Park Neighborhood Association appeared before the Commission. Ms. Noble-Embrick stated that she was present in 1987 when they had the hearing. She stated that she was not aware that the property where the medical clinic sits was not a POD. She stated that she was under the impression from the previous hearings that the entire parcel would be nothing other than a POD. She stated that she is puzzled by their request for parking on this parcel. She stated that she is in and out of this area a great deal. She stated that she has never seen more than 1 or 2 cars in the existing parking lot, and she wonders why they need another parking lot. She stated that one of their concerns with the RA zoning is that it could be developed into apartments or condos. She stated that they have nothing against apartments or condos but they have a rather unique traffic situation at this intersection. She questioned why they needed an RA to do the parking lot, if they can do it under the

POD. She stated that with the expansion of the parking lot it will add to an already dangerous traffic situation.

Dave Ross asked Ms. Noble-Embrick if she was aware that they are looking at cul-de-sacing North Bend Drive at Reckeweg and extending Glendale north, so that it does intersect at a 90 degree angle at Jefferson.

Ms. Noble-Embrick stated that was something that they have been looking forward to since the 1987 hearings. She stated that she was aware, but they have not gotten any confirmation that it will be done.

Mr. Ross questioned if she could judge how the association would react to the reconfiguration.

Ms. Noble-Embrick stated that she felt, that the Board as a whole, would support the North Glendale extension through North Bend to West Jefferson.

Gene Redding, 2113 Melbourne Ct, appeared before the Commission. Mr. Redding questioned that if the property becomes a parking lot will they have access to North Bend.

In rebuttal, Mr. Bomberger stated that in 1967 a Contingent Use permit was granted for the medical clinic. He stated that the vacant property, approximately 200 feet southwest, was zoned POD in 1987. He stated that the POD property is the property that they are talking about currently. He stated that they are not seeking to develop another office on that site. He stated they are trying to develop additional parking for the existing medical clinic, that is why the current POD zoning will not work for their purposes. He stated that the POD zoning requires a site plan for another office. He stated that this property is not large enough for an apartment complex. He stated that it could be developed as a separate office currently. He stated that they are asking to take two adjacent parcels and make them for zoning purposes, one parcel. He stated that they have no interest in creating a traffic problem. He stated that they have been working with staff in terms of what the future plans are for North Bend Drive. He stated that they contacted the Westwood-Fairway Addition and the Reckeweg Road people. He stated that they also specifically contacted people that live on North Bend Drive. He stated that he would take the names of the people that were present who had not been contacted. He stated that they have a meeting set up and they will do whatever they can to make sure that they are fully informed.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

AREA MAP

RESTRICTIONS ELIMINATED BY MODIFICATION
OF RESTRICTION COVENANT OF SAID ADDITION
AS RECORDED IN ALLEN COUNTY RECORDERS' OFFICE

SCALE: 1"=60'

CLARENCE D. EMBURY
REGISTERED
No. 5-0024
STATE OF
INDIANA
LAND SURVEYOR

Restrictions Showing Foundation
Elimination of Bl. L.P. FOUND
Sept 26, 1987

2

Map No. F - 3
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this
7th day of July 1995.



Carol Kettler Sharp
Secretary

Jon A. Bomberger, attorney for Andiland, LLC, and Ramron Southwest Real Estate Partnership, request a change of zone from POD to RA.

Location:	5000 Block of West Jefferson		
Legal:	See file		
Land Area:	Approximately 0.84 acres		
Zoning:	POD		
Surroundings:	North	R-1	Residential
	South	RA	Residential and Office
	East	RA	Office
	West	RA	Residential and Office
Reason for Request:	Expansion of medical clinic		
Neighborhood Assoc.:	None, Reckeweg Road and Westwood-Fairway are the closest associations.		
Neighborhood Plan:	No comment.		
Comprehensive Plan:	The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. This property is located in the West Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the West Sector is to contain urban growth within the urban service line.		

Planning Staff Discussion:

The Plan Commission determined in the mid-80's that this area could support office and medical clinic type uses. Due to a number of factors, this site never developed for office uses.

This property was originally zoned as a Professional Office District in 1987. The property immediately east is zoned RA (residential) but has been developed under a contingent use as

a medical clinic. Properties to the north, south and west are also zoned residential with RA to the south and west, and R-1 to the north.

The petitioners are currently in the process of acquiring this property and the site immediately east for their use. At this time their plans are to operate out of the existing building (on the contingent use lot), and expand their parking into this lot. In the future they may consider constructing a second office building on this lot.

After discussing their plans with staff, it was suggested that they seek a rezoning and then apply to the Board of Zoning Appeals for approval of the additional parking. In the future, if they decide to construct a new building or add on to the existing facility, a contingent use approval could be reviewed by the Board at that time.

The POD or Professional Office District is designed to blend office uses in a comprehensive site development that is protected from uses of a more commercial character; it can also serve as a transitional zoning, providing buffering between uses of different intensities.

Approval for site development within a POD requires approval of a primary and secondary development plan by the Plan Commission. The development proposed in 1987 had only received a primary approval. In order to develop additional parking on this site, the applicants would have had to submit a secondary development plan. As the only development of the site is proposed parking, staff would have been forced to recommend a denial of the submittal since parking is not a permitted primary use under this zoning classification.

With a clear understanding of the applicants proposals, staff suggested that both lots should be developed under the same review process and criteria. It is clearly the intent to have one unified development that incorporates the existing clinic site and this additional parcel. Trying to accomplish that under two separate zonings complicates the issues and is probably unwarranted in that the intent use has already been determined to be acceptable in this location.

The proposed RA zoning will still allow site plan review through the Board of Zoning Appeals review process. This will allow control of the actual site development, placing conditions as warranted to address quality of life issues along North Bend Drive.

In the 1987 rezoning and primary development plan approvals, certain frontage road commitments were required. Staff has made the petitioner aware of those conditions, and the potential changes that may impact their development in the future. It was further suggested that they seek the recommendation of the Feasibility Committee of the Transportation Technical Committee regarding future access concerns. The city is considering possible roadway changes in this area that may or may not require implementation of the frontage road. If the frontage road concept is not implemented, this development may be required to participate in a fair-share cost of those roadway improvements.

The Feasibility Committee recommended that the existing access located on the eastern lot may continued to be used to serve that parcel and the proposed additional parking on this lot. Any other existing access points should be closed. Future development may necessitate implementation of the frontage road, or alternatively a cost share in roadway improvements in addition to possible acceleration and deceleration lanes. No access should be granted at this time to North Bend Drive. Future considerations may alter that condition, allowing possible access from either a new roadway or North Bend Drive. Staff would recommend forwarding those recommendations to the Board of Zoning Appeals so that they may be incorporated into any consideration of the parking variance.

Recommendation: Do Pass for the following reasons:

- 1) The POD development proposed in 1987 has not taken place.
- 2) The requested zoning designation will still allow for site plan review through the Board of Zoning Appeals process of future parking or building proposals.
- 3) The requested zoning is consistent with existing zoning classifications in the immediate area.
- 4) The requested zoning will allow for a wider range of development consistent with the existing character of the area.